

limitation will be part of the regular grant approval process. Although it is expected that most requests for an exception to the \$18,000 limitation will be made at the time of the grant application, a grantee may initiate a request for an exception at any time during the program year. No matter when the request is made, however, CSA administering offices will specifically inform the grantee in writing when such a request is approved.

(b) At a minimum, the notification will contain the specific identification of the position (and the applicant and his/her last community in which he/she was employed if approval is based on salary rates that prevail in the community from which hired), the salary requested, the salary approved and the effective time period covered.

(1) Types of Positions Eligible for Exception. The grantee may apply for an exception to the \$18,000 limitation for any specific position which calls for a person of specialized skills or other qualifications requiring a rate of pay in excess of \$18,000 per year, e.g. physicians, dentists, lawyers. Top administrators of large and complex programs, e.g. executive director of a large metropolitan area CAA or of a multi-county rural CAA involving a complex coordinating role and administration of a large poverty program with many components may also be excepted.

(2) Criteria for CSA Approval of Salaries in Excess of \$18,000 per Year Rate. In all cases the grantee must provide documentation and CSA approval will be based upon, the following considerations:

(i) Programmatic Need for Salary Requested. Consider both the need for that position and the need for a person with qualifications calling for the salary requested.

(ii) Also consider the anticipated reduction in program effectiveness if a person of lower qualifications were hired and any anticipated difficulties in recruiting persons if a lower rate were paid.

(3) Wage Comparability. Generally, the salary paid must be comparable to the prevailing salary level for comparable positions in the community of the CSA-funded agency or must be comparable to the prevailing salary level for similar positions in the community in which the person hired held in his/her last preceding employment. (See OEO Instruction #900-02).

(c) The administering offices may request additional justification and/or documentation from the grantee or delegate agency if the submission is inadequate as a basis for judgment.

[FR Doc. 78-34421 Filed 12-8-78; 8:45 am]

[4910-60-M]

Title 49—Transportation

CHAPTER I—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139; Amdt. Nos. 172-49, 173-125]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Conversion of Individual Exemptions to Regulations of General Applicability

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analysis supplied in selected exemption applications or from existing exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's exemption program. The intended effect of these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: December 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulations, 2100 2nd Street, S.W., Washington, D.C. 20590 (202-426-0656).

SUPPLEMENTARY INFORMATION: On September 7, 1978, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-139; Notice No. 78-10 (43 FR 39835) which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of October 10, 1978. Primary drafters of this document are Darrell L. Raines and John C. Allen, of the Office of Hazardous Materials Regulations, Exemptions and Regulations Termination Branch, and Evan C. Braude, of the Office of

the Chief Counsel, Research and Special Programs Administration.

Only three comments were received concerning Notice 78-10. One commenter expressed support for the proposal to add an asterisk to the Hazardous Materials Table in § 172.101 for the entry "Di-(2-ethylhexyl) phosphoric acid." Another commenter supported the proposal to add the DOT Specification 56 portable tank for magnesium metallic powder in § 173.220, but suggested some small changes in the proposed wording. The most significant change to that proposal, which has been incorporated in the amendment, is the requirement to pressurize the tank with 2 psig of nitrogen before shipment. The commenter, who is also the holder of DOT-E 7423, maintains that this is necessary to eliminate vapor spaces in the tank which could cause moisture problems after the magnesium powder has been loaded.

The third, and last, commenter objected to the proposal to add tungsten hexafluoride (DOT-E 2901) to §§ 172.101 and 173.284. The commenter maintains that the proper classification should be nonflammable gas and that packages should bear both nonflammable gas and poison labels. The Bureau disagrees with this position. Tungsten hexafluoride has been shipped under DOT-E 2901 as a corrosive material for over twenty-five years and the commenter has submitted no information supporting a change in the hazard class. The classification of this material is based on the information supplied by the exemption holder and on information available to DOT. In view of the successful shipping experience using the 3A, 3AA, 3BN and 3E cylinders for both air and surface shipments, the Bureau believes this rule change should be incorporated as proposed in Notice 78-10. However, paragraph (b) of that proposal is deleted since MTB is convinced that the containers in § 173.245 are not adequate for this corrosive material for surface transportation. Shipments will be limited strictly to 3A, 3AA, 3BN and 3E cylinders for all modes.

The only other change from the proposals presented on September 7, 1978, involves the proposal to authorize Specification 112A200W tank cars for acrylonitrile. This has been accomplished through a change to § 173.119(m)(14) rather than paragraph (m)(15) as originally proposed.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are amended as follows:

1. In § 172.101, the Hazardous Materials Table is amended by adding, in alphabetical sequence, entries for pinane hydroperoxide solution and tungsten hexafluoride, and by revising two other entries as follows:

RULES AND REGULATIONS

[4910-60-C]

§ 172.101 Hazardous Materials Table.

(1) Hazardous materials descriptions and proper shipping names	(2)	(3) Hazard class	(4) Labels (a) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package			(7) Water shipments		
				(a) Exceptional	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements	
*	(Revise) Di-(2-ethylhexyl) phosphoric acid	Corrosive material *	Corrosive	173.244	173.243	1 quart	10 gallons	1,2	1,2		
	(Add) Pinane hydroperoxide solution not over 45% peroxide.	Organic peroxide *	Organic peroxide	173.153	173.224	1 quart	1 quart	1,2	4		
*	(Revise) Soda lime, solid	Corrosive material *	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry.	
	(Add) Tungsten hexafluoride	Corrosive material *	Corrosive	None	173.284	Forbidden	110 pounds	1	5	Segregation same as for nonflammable gases.	

2. In § 173.119, paragraph (m) (14) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(m) * * *

(14) Specification 105A100W or 112A200W (§§ 179.200, 179.201, 179.100, 179.101 of this subchapter). Tank cars. Authorized only for propylene oxide except 112A200W also authorized for acrylonitrile.

3. In § 173.220, paragraph (b)(2) is added to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(b) * * *

(2) Specification 56 (§ 178.252 of this subchapter). Portable tank. Not authorized for transportation by water. For magnesium powder, the following additional requirements must also be met:

(i) The tank must be pressurized with 2 psig of nitrogen before shipment and the pressure relief valve must have a maximum setting of 3 psig; and

(ii) The tank must have both a sift-proof valve with a locking pin and a plug or blind flange on the bottom opening.

4. In § 173.224, the heading and paragraph (a)(4) are revised to read as follows:

§ 173.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, pinane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) * * *

(4) Specification MC 310, MC 311 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Authorized for paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent. Authorized for pinane hydroperoxide of strength not exceeding 45 percent in a nonvolatile solvent. Authorized for cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent in MC 311 or MC 312 cargo tanks only.

5. In § 173.232, paragraph (a) is revised to read as follows:

§ 173.232 Aluminum metallic powder.

(a) Aluminum flake powders which have been rendered nondusting by agglomerating or other treatment of the individual particles, aluminum

granules, aluminum atomized powder and aluminum paste are not subject to the requirements of this subchapter.

6. In § 173.252, paragraph (a)(4) is revised to read as follows:

§ 173.252 Bromine.

(a) * * *

(4) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Each tank must have a shell and head thickness of at least $\frac{3}{16}$ -inch. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness or be lined with lead at least $\frac{3}{16}$ -inch thick. The cladding material must conform to requirements of ASTM Specification B-162-69. The composite plate must conform to requirements of ASTM Specification A-265-69. The maximum quantity of liquid bromine loaded into the tank must not exceed 300 percent of the water weight capacity of the tank. The total quantity loaded must not be less than 95 percent of the quantity the tank is authorized to carry.

7. Section 173.284 is added to read as follows:

§ 173.284 Tungsten hexafluoride.

(a) Tungsten hexafluoride must be packed in specification containers as follows:

(1) Specification 3A, 3AA, 3BN, or 3E (§§ 178.36, 178.37, 178.39, 178.42 of this subchapter). Cylinders. Cylinders shall be equipped with a valve protection cap or be packed in a strong outside container adequate to protect valves. Outlets of any valves must be capped or plugged. As an alternate, the cylinder opening may be closed by the use of a metal plug. Specification 3E cylinders must be shipped in an overpack.

8. In § 173.314 paragraph (c) the Table is amended by deleting the reference Note 7 and substituting therefor Note 25 in the following entries: anhydrous ammonia, chlorine, hexafluoropropylene, and sulfur dioxide; the entry "Monobromotrifluoromethane" is revised; reference to Note 26 is added in the following entries: dimethylamine, anhydrous, monomethylamine, anhydrous, and trimethylamine anhydrous; and Note 26 is added at the end of the Table to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(c) * * *

[4910-60-C]

Kind of gas	Maximum		Required tank car, see § 173.31(a)(2) and (3)
	Permitted filling density, Note 1	Percent	
Anhydrous ammonia	50.0	-----	DOT-106A500-X, Note 25
	57.0	-----	DOT-105A300W.
	57.0	-----	DOT-112A400-F, 112A340W, 114A340W, Notes 15 and 24.
	58.8	-----	DOT-112A400-F, 112A340-W, 114A340-W, Notes 15 and 24.
*	*	*	*
Chlorine	125	-----	DOT-106A500X, Note 25
	125	-----	DOT-105A500W, Note 12.
*	*	*	*
Dimethylamine, anhydrous	59	-----	DOT-106A500X.
	62	-----	DOT-105A300W, Notes 4 and 26.
	61	-----	DOT-112A340W, 112A400W, Note 26.
*	*	*	*
Hexafluoropropylene	110	-----	DOT-106A500X, 110A500W, Note 25.
	*	*	*
*	*	*	*

Kind of gas	Maximum Permitted filling density, Note 1	Required tank car, see § 173.31(a)(2) and (3)
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Percent

Monobromotrifluoromethane	124	DOT 110A800W, Notes 7 and 13
*	140	DOT 105A500W, Note 13
	*	*

Monomethylamine, anhydrous	60	DOT-106A500X
	62	DOT-105A300W, Notes 4 and 26.
	61	DOT-112A340W, 112A400W, Note 26.

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Sulfur dioxide	125	DOT-106A500X, 110A500W, Note 25. DOT-105A200W
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Trimethylamine, anhydrous	57	DOT-106A500X
	59	DOT-105A300W, Note 4 and 26.
	58	DOT-112A340W, 112A400W, Note 26.

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Note 26: For these materials only, Specifications 105A300W and 112A340W tank cars may be equipped with safety relief devices with a start-to-discharge pressure setting of 247.5 psi and 280.5 psi respectively.

9. In §173.315 paragraph (a) the Table is amended by adding an entry for monobromotrifluoromethane in proper sequence to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

[4910-60-C]

Maximum permitted filling density	Specification container required	
	Type	Minimum design pressure (psig)
Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	
Monobromotrifluoromethane----- 133 -----	See Note 7 -----	DOT-51, MC 331 ---- 365
(See Note 9)		
*	*	*

[4910-60-C]

In § 173.358, paragraph (a)(14) is revised to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, organic phosphorous compound, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) * * *

(14) Specification MC 310, MC 311, MC 312, MC 330 or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicle. Bottom outlets, if any, must be equipped with valves conforming with § 178.337-11(c) of this subchapter. MC 311 or MC 312 must have a minimum material thickness of $\frac{3}{16}$ inch and designed for a product weight of 13 pounds per gallon or over. Contents of the tank must be under no gas pressure except its own vapor pressure. Authorized for parathion, methyl parathion and organic phosphate compound only, and by private motor carrier only.

11. In § 173.359, paragraph (a)(16) is revised to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorous compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, liquid (includes solutions, emulsions, or emulsifiable liquids).

(a) * * *

(16) Specification MC 310, MC 311, MC 312, MC 330, or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicle. Bottom outlets, if any, must be equipped with valves conforming with § 178.337-11(c) of this subchapter. MC 311 or MC 312 must have a minimum material thickness of $\frac{3}{16}$ inch and designed for a product weight of 13 pounds per gallon or over. Contents of the tank must be under no gas pressure except its own vapor pressure. Authorized for parathion mixtures, methyl parathion mixtures and organic phosphate compound mixtures only, and by private motor carrier only.

12. In § 173.850, paragraph (a)(8) is added to read as follows:

§ 173.850 Lime, unslaked; quicklime; and calcium oxide.

(a) * * *

(8) Portable tank with gross weight not over 7,000 pounds.

* * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) of Appendix A to Part 106).

NOTE.—The Materials Transportation Bureau has determined that this document constitutes a non-major regulation under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on December 1, 1978.

L. D. SANTMAN,
Director,

Materials Transportation Bureau.

[FR Doc. 78-34368 Filed 12-8-78; 8:45 am]

[4910-60-M]

[Docket No. HM-143; Amdt. Nos. 172-48, 173-124, 174-34, 175-8, 176-7, 177-45]

BLASTING AGENTS

Final Rules

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to amend various sections of the regulations to:

1. Add a new shipping name, Blasting agent, n.o.s., a new class, Blasting agent, and a definition and test criteria for blasting agents.
2. Remove the shipping name Nitro carbo nitrate from the regulations and add two entries for Ammonium nitrate fuel oil mixtures.
3. Prescribe packaging requirements for Blasting agents; and
4. Prescribe a label and a placard for Blasting agents.

The inclusion of a blasting agent description and class will contribute to increased safety in transportation because some materials now shipped as nitro carbo nitrates (oxidizing materials) present a potential explosive hazard. Establishing a blasting agent class will bring the DOT regulations into closer conformity with Mining Enforcement and Safety Administration (MESA) and Bureau of Alcohol, Tobacco, and Firearms (BATF) regulations, which now incorporate definitions of blasting agents.

EFFECTIVE DATE: August 15, 1979; however, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.